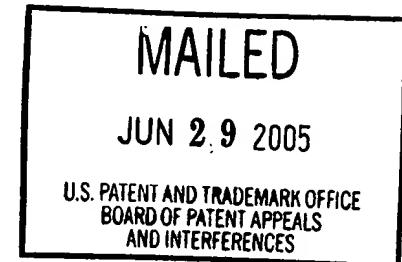


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DIETER DOHRING
AND ANTON OTT

Application 09/647,130



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on April 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

In the Final Rejection of April 26, 2004, the examiner applied solely on the references of Lindgren and Veneziale. However in the Examiner's Answer dated December 1, 2004, the examiner now cited on page 3 three U.S. Patents as prior art of record: Lindgren (4,940,503); Veneziale (3,663,341); and Werz (4,153,490). On page 3 of the Answer, it is quoted:

"**WERZ** teaches a method of manufacturing composite articles, in general, and suggests that the transparent protective layer is usually an overlay paper or a glass fiber fleece (Column 1, Lines 55-60)."

On page 8 of the Answer, the examiner refers to Werz in combination with the Veneziale arguments stating:

Werz specifically details the common use of overlay papers and glass fiber fleeces in the manufacture of surface protective layers for laminate assemblies."

It is unclear what the examiner's intentions are in regard to the reference of Werz for such was not applied in the Final Rejection. The case is being returned to the examiner for further explanation of his reliance upon this newly cited reference, and to either withdraw the reference or to submit a revised examiner's answer with a new ground of rejection, which includes the reference of Werz with appropriate Director

Application 09/647,130

Approval, together with withdrawal of the previous Examiner's Answer.

Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of the above, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



Craig R. Feinberg
Program and Resource Administrator
(571) 272-9797

CC:

RENNER OTTO
BOISSELLE & SKLAR, LLP
1621 Euclid Avenue
Nineteenth Floor
Cleveland, OH 44115

CFR/cam